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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,368	02/14/2001	Robert Michael Getler	2000-0168.00	2311

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EXAMINER

HILLERY, NATHAN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/783,368

Applicant(s)

GETLER ET AL.

Examiner

Nathan Hillery

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE filed on 4/14/05.
2. Claims 1 – 15 are pending in the case. Claims 1, 6, and 12 are independent.
3. The rejection of claims 1 – 5 under 35 U.S.C. 112, second paragraph as being indefinite has been withdrawn as necessitated by amendment.
4. The rejection of claims 1 – 15 under 35 U.S.C. 103(a) as being unpatentable has been withdrawn as necessitated by amendment.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/05 has been entered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 5 and 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rourke et al. (US005995721A) [as cited by applicant] and further in view of Reisman (US 6769009 B1).

8. **Regarding independent claim 1**, Rourke et al. teach that *system provides print processing for various workstations or clients. Clients, which may be remote and/or on site, are operatively coupled to printers through server* (Column 6, line 60 – 64), which provide for **a central server connected to said satellite servers, said central server being configured to receive said digital files from said satellite servers and perform at least one action on at least one of said digital files**. Rourke et al. do not explicitly teach **input sources servers**. Reisman teaches that *According to one aspect, the present invention provides a system for distributing information to a plurality of user stations each configured for communications with a multiplicity of servers via a non-proprietary network* (Column 5, lines 30 – 33), and that *Sending of information from the user to web package server 136 can be accommodated, if desired, using the bidirectional capabilities of the transporter. In this case files of any type may be sent to the server 136* (Column 40, lines 22 – 25), which provide for **a plurality of input sources; a plurality of input source servers connected to said input sources, said satellite servers being configured to receive a plurality of digital files from said input sources**. It would have been obvious to one of ordinary skill in the art to combine the invention of Rourke et al. with that of Reisman because such a combination would provide the users of Rourke et al. with *a method for distributing information to a plurality of user stations each configured for communications with a multiplicity of servers via a non-proprietary network* (Column 5, lines 19 – 22).

9. **Regarding dependent claim 2**, Rourke et al., in his discussion of prior art, points out that *the advantage of using one or more queues in a printing process has*

*been demonstrated ... [the prior art] discloses a system in which copy/print jobs are delivered to an output queue which communicates with a printer while Fax jobs are delivered to a hold queue which communicates with the output queue. In practice, after a certain number of Fax jobs have accumulated in the hold queue, they are delivered to the output queue in such a manner that the Fax jobs are printed ahead of all jobs currently residing in the output queue (Column 3, lines 22 – 32), which provide for **said satellite servers are configured to store accumulated jobs.***

10. **Regarding dependent claim 3**, Rourke et al. do not explicitly teach **off-peak time period**. However, Reisman do teach that *the transporter can readily be adapted to offer a scheduling function providing users with an option to effect retrieval of bulky objects at an off-peak low rate or low traffic time, such as at night (Column 53, lines 54 – 57)*, which provide that **said satellite servers are configured to pass the accumulated jobs to said central server during at least one off-peak time period**. It would have been obvious to one of ordinary skill in the art to combine the invention of Rourke et al. with that of Reisman because such a combination would provide the users of Rourke et al. with a *method for distributing information to a plurality of user stations each configured for communications with a multiplicity of servers via a non-proprietary network (Column 5, lines 19 – 22)*.

11. **Regarding dependent claim 4**, Rourke et al. teach that *individual ones or all of clients may have a document scanner, disk input, keyboard, fax, etc. (Column 7, lines 4 – 6)*, which provides for **said input sources include at least one of a scanner and a personal computer**.

12. **Regarding dependent claim 5**, Rourke et al. teach that *in one example, electronic document(s), which includes image and attribute related information, is transmitted from the client to the server* (Column 7, lines 29 – 31), which provide for **at least one said digital file comprises an electronic image**.

13. **Regarding independent claim 12 and dependent claim 13**, the claims incorporate substantially similar subject matter as claim 1, and are rejected along the same rationale.

14. **Regarding dependent claim 14**, the claim incorporates substantially similar subject matter as claim 4, and is rejected along the same rationale.

15. **Regarding dependent claim 15**, Rourke et al. illustrate in Fig. 1 (15-N) **an administrative client for at least one of configuring and monitoring said server**.

16. Claims 6 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senn et al. (US006151610A) and further in view of Rourke et al. (US005995721A) [as cited by applicant].

17. **Regarding independent claim 6**, Senn et al. teach that *any paper document can be entered into the system by scanning* (Column 3, lines 66 – 67), which provides for **scanning a document with a scanner to thereby obtain the digital file**. Senn et al. do not explicitly teach **building a job object**.... Rourke et al. do teach that *the document job is characterized by a set of job attributes with each job attribute relating to a manner in which the document job is to be processed by the document processing system* (Column 5, lines 9 – 12), which provide for **building a job object including a**

plurality of action objects; and performing the action objects on the digital file. It would have been obvious to one of ordinary skill in the art to combine the invention of Senn et al. with that of Rourke et al. because such a combination would provide the users of Senn et al. with *a document processing system including at least one document reproduction apparatus and managing on-demand output of a document job* (Column 5, lines 7 – 9).

18. **Regarding dependent claim 7**, Senn et al. do not explicitly teach **parser**.... Rourke et al. teach that *in general, the technique proposes an approach in which attribute information associated with a job, i.e. attribute information embedded in an electronic document and corresponding job ticket, is "parsed" and used to dynamically generate a list or matrix of queues available for processing at least a portion of the job. One or more queues are then selected, on the basis of the list or matrix, to execute one or more portions of the job* (Column 9, lines 27 – 34), which provide that **said building step is performed by a parser**. It would have been obvious to one of ordinary skill in the art to combine the invention of Senn et al. with that of Rourke et al. because such a combination would provide the users of Senn et al. with *a document processing system including at least one document reproduction apparatus and managing on-demand output of a document job* (Column 5, lines 7 – 9).

19. **Regarding dependent claim 8**, Senn et al. teach that *upon determining that the value of an attribute is script, chooses which script interpreter to call to interpret the script. For example, the identifier process can select an interpreter for a dialect of the LISP programming language by checking the first non-whitespace character to see if it*

is a left parenthesis or single-quote. If the first non-whitespace character is a left parenthesis of a single-quote, the identifier process selects the interpreter for the dialect of the LISP programming language to interpret the script (Column 3, lines 24 – 31), which provides that **said building step is dependent upon a plurality of script settings.**

20. **Regarding dependent claim 9**, Senn et al. teach that *the expression, dump "concatenate" & "these" & "strings" prints "concatenate these strings" to the computer display device* (Column 33, lines 58 – 61), which provide that **said action objects include at least one of printing, emailing and faxing.**

21. **Regarding dependent claim 10**, Senn et al. teach that *the iteration is scheduled in parallel, with one thread of execution created for each object* (Column 44, lines 2 – 4), which provide that **said performing step includes assigning said action objects to individual worker threads.**

22. **Regarding dependent claim 11**, Senn et al. teach that *each client module may then access the repositories 142 to retrieve those permanent attributes, convert the permanent attributes to ephemeral attributes, and update the local display* (Column 20, lines 64 – 67), which provide that **said performing step includes requesting at least one action module.**

Response to Arguments

23. Applicant's arguments with respect to claims 1 – 15 have been considered but are moot in view of the new ground(s) of rejection.

24. Applicant's arguments filed 3/14/05 have been fully considered but they are not persuasive.

25. In response to applicant's argument that Senn is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the reference is in the field of applicant's endeavor. It should be noted that the US Current Class of Applicant's invention is NOT 718/105 as suggested by applicant (p 16, fourth paragraph) but is 715/500; therefore, it makes sense that Senn is classified in 715/516.

26. In response to Applicant's argument that claim 12 should not be rejected along the same rationale as claim 1 (p 13, last paragraph – p 14), it should be noted that the Office maintains that claim 12 incorporates substantially similar subject matter as claim 1. Claim 12 may be of different scope than claim 1; however, claim 12 is broader in scope than claim 1 and also falls within the scope of claim 1. Specifically, claim 12 incorporates a server configured to perform a plurality of operations on a single digital file, which compares to claim 1 that uses a plurality of certain types of servers that receive digital files and perform at least one action on at least one of the digital files.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH


JOSEPH FEILD
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